

EXHIBIT 37

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF
MASSACHUSETTS, et al.,

Plaintiffs,

v.

NATIONAL INSTITUTES OF HEALTH, et
al.,

Defendants.

Case No. _____

Declaration of Katherine Tracy

I, Katherine Tracy, hereby declare:

1. I am the University of Nevada, Reno's ("UNR") Executive Director, Sponsored Projects ("Executive Director"), a position I have held since 2023. As Executive Director, I have oversight of UNR's sponsored projects. Prior to holding this position, I was University of Arkansas' Director of Research Accounting.
2. As the Executive Director, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.
3. I am providing this declaration to explain certain impacts of National Institutes of Health ("NIH") Notice Number NOT-OD-25-068, *Supplemental Guidance to the 2024 NIH Grants Policy Statement: Indirect Cost Rates*, which purports to immediately reduce indirect costs payments to 15%.
4. UNR is Nevada's flagship comprehensive research university. The University of Nevada, Reno advances interdisciplinary research across all academic colleges, fostering innovation,

industry collaboration, and scientific discovery in fields such as engineering, health sciences, agriculture, business, education, and the arts. Committed to addressing regional and global challenges, the University's research enterprise supports faculty, staff, and student-driven initiatives, promotes ethical and responsible research practices, and enhances infrastructure to sustain high-impact research, commercialization, and creative endeavors. This research is currently supported by \$72,314,064 from the NIH.

5. UNR has a Negotiated Indirect Cost Rate Agreement ("NICRA") with NIH, effective as of July 1, 2023. The Indirect Cost ("IDC") Rate in the UNR's NICRA is 47%.
6. UNR's total blended IDC rate for NIH funding is 24.1%.
7. NIH's reduction of UNR'S IDC rate[s] will eliminate approximately \$4,172,434 per year in Indirect cost("IDC") (also called Facilities and Administrative (F&A) cost recovery) recovery that UNR uses to support its research programs. The loss of IDC recovery will immediately impact UNR'S ability to draw critical funds used to pay expenses associated with NIH projects (facilities costs, mortgages, payroll, infrastructure used to support research, clinical trials).
8. Reduced funding for facilities and administration will directly impact the University's ability to support the infrastructure necessary for conducting clinical trials, including regulatory compliance, research staff, and facility maintenance. While the University does not currently have NIH-funded clinical trials, the hiring of a Clinical Research Director is expected to establish new NIH-sponsored trials, and insufficient administrative support could hinder the University's capacity to manage these studies effectively, meet federal requirements, and sustain long-term clinical research growth.

9. A reduction in funding to support the University's facilities and research administration would significantly hinder Nevada's ability to contribute to scientific advances, economic development, and public health progress. UNR is engaged in critical research spanning public health, biomedical sciences, environmental science, and technological innovation, with projects investigating extreme heat effects on pregnancy, tumor immune microenvironments, cardiovascular disease mechanisms, and opioid overdose prevention. Insufficient infrastructure funding would limit the ability to recruit and retain top researchers, invest in cutting-edge technology, and maintain regulatory compliance, ultimately weakening Nevada's position in securing competitive NIH grants. Additionally, reduced support for research administration would create delays in managing complex multi-institutional studies, such as translational research initiatives and personalized medicine advancements, hampering the state's ability to collaborate with national research networks. Without sustained investment, Nevada risks falling behind in (i) providing access to health care to its citizens, (ii) emerging scientific fields, (iii) reducing its competitiveness for future funding opportunities and (iv) slowing the translation of research discoveries into economic and societal benefits.
10. UNR next anticipates to draw funds on or around March 1, 2025 for all NIH programs. At that time, the reduced IDC rate will impact UNR in sustaining critical research infrastructure, delaying recruitment and retention of top researchers, restricting investments in advanced technology and laboratory facilities, increasing administrative burdens on complex multi-institutional studies, and reducing Nevada's competitiveness in securing future NIH funding and translating scientific discoveries into economic and societal benefits.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 9th day of February, 2025, in Reno, Nevada.

A handwritten signature in black ink, appearing to read "K. Tracy", is written above a horizontal line.

Katherine Tracy

Executive Director, Sponsored Projects

University of Nevada, Reno